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13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.
22

Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF RYAN WONG IN
SUPPORT OF DEFENDANT ARISTA
NETWORKS, INC.'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS UNDER
SEAL IN CONNECTION WITH ARISTA'S
OPPOSITION TO CISCO'S MOTION
FOR PARTIAL SUMMARY JUDGMENT**

23 Judge: Hon. Beth Labson Freeman

24 Date Filed: December 5, 2014

25 Trial Date: November 21, 2016
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1 I, RYAN WONG, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and admitted to
3 practice before this Court. I am an associate at the law firm of Keker & Van Nest LLP and
4 counsel for Defendant Arista Networks, Inc. (“Arista”) in the above-captioned action. I have
5 personal knowledge of the facts stated herein and, if called as a witness, I could testify
6 competently thereto.

7 2. I submit this declaration in support of Arista’s Administrative Motion to File
8 Under Seal Confidential Information and Documents Submitted with Arista’s Opposition to
9 Cisco’s Motion for Partial Summary Judgment (Dkt. No. 348). I provide this declaration in
10 accordance with Civil Local Rules 79-5(d)(1)(A) and 79-5(e) to explain the reasons why the
11 confidential information and documents that Arista seeks to file under seal are sealable.

12 3. I understand that materials submitted with dispositive motions may be sealed if
13 there are “compelling reasons supported by specific factual findings that outweigh the general
14 history of access and the public policies favoring disclosure.” *Kamakana v. City & Cnty. of*
15 *Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006). I also understand that such compelling
16 reasons may exist when, for example, court filings could be used for improper purposes, such as
17 “to gratify private spite, promote public scandal, circulate libelous statements, or release trade
18 secrets.” *Id.* (citation omitted). I further understand that compelling reasons may exist where
19 court filings contain or discuss confidential source code, *see Apple, Inc. v. Samsung Electronics*
20 *Co., Ltd.*, No. 11-cv-1846, D.I. 2190 at *3 (Dec. 10, 2012); internal and non-public procedures of
21 financial institutions, *see Cowan v. GE Capital Retail Bank*, No. 13-cv-03935-BLF, 2015 WL
22 1324848, at *1-3 (N.D. Cal. Mar. 24, 2015); information about an entity’s confidential “business
23 performance, structure, and finances that could be used to gain unfair business advantage against
24 them,” *Schwartz v. Cook*, No. 15-cv-03347-BLF, 2016 WL 1301186, at *2 (N.D. Cal. Apr. 4,
25 2016); “highly sensitive information regarding [an entity’s confidential] product architecture and
26 development,” *Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 4145520, at *2
27 (N.D. Cal. Aug. 20, 2014); emails containing confidential information about an entity’s “business
28 practices, recruitment efforts, and discussions regarding potential partnerships with other product

manufacturers,” *see Koninklijke Philips N.V. v. Elec-Tech International Co., Ltd.*, No. 14-cv-02737-BLF, 2015 WL 581574, at *1-2 (N.D. Cal. Deb. 10, 2015); and “information regarding non-public recruitment efforts and business practices” of a party. *See id.* at *2-3.

4. Compelling reasons exist to seal the following documents, or portions thereof, that contain Arista’s highly confidential information. As required by Civil L.R. 79-5(e), Arista is also filing under seal documents and information previously designated as confidential or highly confidential by Cisco Systems, Inc. (“Cisco”) and third parties. Arista expects that Cisco and those third parties will file a supporting declaration pursuant to Civil L.R. 79-5(e)(1) if they seek to keep any such information under seal.

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Defendant Arista Network, Inc.’s Opposition to Cisco’s Motion for Partial Summary Judgment (“Opposition”)	Highlighted portions	<i>Cisco</i> <i>Juniper Networks (Third Party)</i> <i>Hewlett Packard Enterprise (“HPE”) (Third Party)</i> <i>Dell, Inc. (Third Party)</i>
Declaration of John R. Black Jr. in Support of Defendant Arista Networks, Inc.’s Opposition to Cisco’s Motion for Summary Judgment and Arista’s Summary Judgment Motion (“Black Decl.”) Ex. 1 (“Black Opening Report”)	Highlighted portions	<i>Cisco</i> <i>Arista</i> <i>Juniper Networks (Third Party)</i> <i>Hewlett Packard Enterprise (“HPE”) (Third Party)</i> <i>Dell, Inc. (Third Party)</i>
Black Decl. Ex. 38 (“Black Rebuttal Report”)	Entire document	<i>Cisco</i> <i>Arista</i>
Declaration of William M. Seifert in Support of Defendant Arista Networks, Inc.’s Opposition to Cisco’s Motion for Summary Judgment (“Seifert Decl.”)	Highlighted portions	<i>Cisco</i> <i>Arista</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Ex. 1 (“Seifert Expert Report”)		
Declaration of Cate M. Elsten in Support of Defendant Arista Networks, Inc.’s Opposition to Cisco’s Motion for Summary Judgment (“Elsten Decl.”) Ex. 1 (“Elsten June 3 Report”)	Highlighted portions	<i>Cisco</i> <i>Arista</i> <i>Dell, Inc. (Third Party)</i>
Elsten Decl. Ex. 2 (“Elsten Rebuttal Report”)	Entire document	<i>Cisco</i> <i>Arista</i>
Declaration of Ryan Wong in Support of Defendant Arista Networks, Inc.’s Opposition to Cisco’s Motion for Summary Judgment (“Wong Decl.” or “Wong Declaration”) Ex. 1 (Excerpts from Loughheed Deposition Transcript, 11/20/2015)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 2 (Excerpts from Satz Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 4 (Excerpts from Li Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 5 (Excerpts from Dell Corporate Deposition Transcript)	Entire excerpted transcript	<i>Dell</i>
Wong Decl. Ex. 7 (Cisco email dated 8/2/2013)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 8 (Cisco email dated 10/6/2005)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 9	The following portions of the	<i>Cisco</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
(compilation of documents)	<p>compilation should be sealed:</p> <p>Ex. 9C (Cisco internal presentation)</p> <p>Ex. 9D (Cisco internal requirements document)</p> <p>Ex. 9E (Cisco email dated 6/6/2008)</p> <p>Ex. 9F (Cisco internal presentation)</p> <p>Ex. 9G (Cisco internal presentation)</p>	
Wong Decl. Ex. 11 (Excerpts from Lang Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 13 (Arista internal presentation)	Entire document	<i>Arista</i>
Wong Decl. Ex. 14 (Arista internal presentation)	Entire document	<i>Arista</i>
Wong Decl. Ex. 15 (compilation of deposition transcript excerpts and documents)	All documents and transcript excerpts in compilation	<i>Cisco</i>
Wong Decl. Ex. 16 (Cisco email dated 1/20/2010)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 17 (Excerpts from Remaker Deposition Transcript, 3/31/2016)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 18 (Excerpts from Loughheed Deposition Transcript, 4/4/2016)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 19 (Cisco email dated 7/26/2006)	Entire document	<i>Cisco</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Wong Decl. Ex. 20 (Excerpts from Liu Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 21 (compilation of deposition transcript excerpts)	Entire excerpted transcripts	<i>Cisco</i>
Wong Decl. Ex. 22 (Excerpts from Kavasseri Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 24 (Excerpts from Kathail Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 25 (Cisco presentation dated 10/21/2004)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 26 (Cisco email dated 1/12/1999)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 27 (Cisco internal document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 28 (Cisco email dated 10/22/1997)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 29 (Excerpts from Patil Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 30 (Excerpts from Sweeney Deposition Transcript)	Entire excerpted transcript	<i>Arista</i>
Wong Decl. Ex. 31 (Cisco internal document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 32 (Cisco email dated 1/12/1999)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 33 (Excerpts from Remaker	Entire excerpted transcript	<i>Cisco</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Deposition Transcript, 3/30/2016)		
Wong Decl. Ex. 34 (Excerpts from Redlefsen Deposition Transcript)	Entire excerpted transcript	<i>Arista</i>
Wong Decl. Ex. 36 (Excerpts from Black Deposition Transcript (Rough))	Entire excerpted transcript	<i>Arista</i>
Wong Decl. Ex. 37 (Excerpts from the Opening Expert Report of Kevin Almeroth, dated June 3, 2016)	Entire excerpt from Dr. Almeroth's June 3 Report	<i>Cisco</i>
Wong Decl. Ex. 38 (Excerpts from Juniper Networks Corporate Deposition of Philip Kasten)	Entire excerpted transcript	<i>Juniper Networks (Third Party)</i>
Wong Decl. Ex. 41 (Excerpts from Hewlett-Packard Enterprise Corporate Deposition of Balaji Venkatraman)	Entire excerpted transcript	<i>Hewlett-Packard Enterprise (Third Party)</i>
Wong Decl. Ex. 42 (Brocade FastIron Manual)	Entire document	<i>Brocade Communications (Third Party)</i>
Wong Decl. Ex. 43 (Brocade FAQ document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 44 (Cisco presentation dated June 1, 2007)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 45 (Cisco manual)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 46 (Cisco NextHop document)	Entire document	<i>Cisco</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Wong Decl. Ex. 47 (Cisco HP document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 48 (Excerpts from Malik Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 49 (Cisco presentation)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 50 (Cisco metadata for the document immediately above)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 51 (Excerpts from Hartingh Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 52 (Excerpts from Pletcher Deposition Transcript)	Entire excerpted transcript	<i>Cisco</i>
Wong Decl. Ex. 53 (Cisco email dated 7/11/2002)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 54 (Cisco email dated 4/15/2008)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 55 (Cisco email dated 7/8/2005)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 56 (Cisco product requirements document)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 57 (Cisco email dated 4/15/2008)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 58 (Cisco document dated 12/7/2011)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 59 (Cisco document dated 10/24/2001)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 60 (Cisco	Entire document	<i>Cisco</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
presentation dated 6/20/2012)		
Wong Decl. Ex. 61 (Cisco letter to Stanford dated 12/18/2002)	Entire document	<i>Cisco</i>
Wong Decl. Ex. 62 (compilation of deposition transcript excerpts)	Entire excerpted transcripts	<i>Cisco</i>
Wong Decl. Ex. 63 (compilation of deposition transcript excerpts)	Entire excerpted transcripts	<i>Cisco</i>
Wong Decl. Ex. 64 (compilation of documents)	The following portions of the compilation should be sealed: Ex. 64A (Brocade data sheet)	<i>Brocade Communications (Third Party)</i>

Cisco Confidential Information:

5. The following exhibits to the Wong Declaration are documents and/or deposition transcripts previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only” by Cisco. These exhibits are being filed under seal in their entirety pursuant to Civil L.R. 79-5(e)(1).

- i) Wong Decl. Exs. 1, 2, 4, 7, 8, 9C, 9D, 9E, 9F, 9G, 11, 15–22, 24–29, 31–33, 37, 43–63

6. In addition, the following documents and declaration exhibits contain information that Cisco previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only.” These exhibits, or portions thereof, are also being filed under seal pursuant to Civil L.R. 79-5(e)(1) because they contain or discuss information that Cisco previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only.”

- i) Arista’s Opposition Brief (highlighted portions not identified below for third parties)

- ii) Black Decl. Ex. 1 (Black Opening Report) (all highlighted portions not identified below for Arista and third parties)
- iii) Black Decl. Ex. 2 (Black Rebuttal Report) (being submitted under seal in its entirety because it discusses Dr. Almeroth's Opening Report throughout and Dr. Almeroth's Opening Report is designated by Cisco as Highly Confidential – Attorney's Eyes Only)
- iv) Seifert Decl. Ex. 1 (Seifert Report) ¶¶ 43, 78, 84, 85
- v) Elsten Decl. Ex. 1 (Elsten Report on Market Harm) at Pages 7, 9, 10, 14-15, 18-19, 21-28, 30, 32-33, 35
- vi) Elsten Decl. Ex. 2 (Elsten Report on Damages) (being submitted in its entirety because confidential information of both parties is cited and disclosed throughout the report)

Dell Confidential Information:

7. The following exhibits to the Wong Declaration are documents and/or deposition transcripts previously designated as "Confidential" or "Highly Confidential – Attorney's Eyes Only" by third-party Dell, Inc. These exhibits are being filed under seal in their entirety pursuant to Civil L.R. 79-5(e)(1).

- i) Wong Decl. Ex. 5

8. In addition, the following documents and declaration exhibits contain information that Dell previously designated as "Confidential" or "Highly Confidential – Attorney's Eyes Only." These exhibits, or portions thereof, are also being filed under seal pursuant to Civil L.R. 79-5(e)(1) because they contain or discuss information that Dell previously designated as "Confidential" or "Highly Confidential – Attorney's Eyes Only."

- i) Arista's Opposition Brief at Page 22, lines 22 to 24
- ii) Black Decl. Ex. 1 (Black Opening Report) ¶¶ 296–300
- iii) Seifert Decl. Ex. 1 (Seifert Report) Page 30 (Footnote 41), Page 34 (Footnotes 58 and 59)
- iv) Elsten Decl. Ex. 1 (Elsten Report on Market Harm) at Page 30

v) Elsten Decl. Ex. 2 (Elsten Report on Damages) at Page 35

Juniper Networks Confidential Information:

9. The following exhibits to the Wong Declaration are documents and/or deposition transcripts previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only” by third-party Juniper Networks. These exhibits are being filed under seal in their entirety pursuant to Civil L.R. 79-5(e)(1).

i) Wong Decl. Ex. 38

10. In addition, the following documents and declaration exhibits contain information that Juniper previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only.” These exhibits, or portions thereof, are also being filed under seal pursuant to Civil L.R. 79-5(e)(1) because they contain or discuss information that Juniper previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only.”

i) Arista’s Opposition Brief at Page 22, lines 11 to 20

ii) Black Decl. Ex. 1 (Black Opening Report) ¶¶ 375–377

iii) Seifert Decl. Ex. 1 (Seifert Report) Page 34 (Footnote 59)

Hewlett Packard Enterprise (HPE) Confidential Information:

11. The following exhibits to the Wong Declaration are documents and/or deposition transcripts previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only” by third-party HPE. These exhibits are being filed under seal in their entirety pursuant to Civil L.R. 79-5(e)(1).

i) Wong Decl. Ex. 41

12. In addition, the following documents and declaration exhibits contain information that HPE previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only.” These exhibits, or portions thereof, are also being filed under seal pursuant to Civil L.R. 79-5(e)(1) because they contain or discuss information that HPE previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only.”

i) Arista’s Opposition Brief at Page 22, line 28 to Page 23, line 2

ii) Black Decl. Ex. 1 (Black Opening Report) ¶¶ 361, 473, 474, 476–480, 483

iii) Seifert Decl. Ex. 1 (Seifert Report) ¶ 73 (citing Footnote 44)

Brocade Communications (“Brocade”) Confidential Information:

13. The following exhibits to the Wong Declaration are documents and/or deposition transcripts previously designated as “Confidential” or “Highly Confidential – Attorney’s Eyes Only” by third-party Brocade. These exhibits are being filed under seal in their entirety pursuant to Civil L.R. 79-5(e)(1).

i) Wong Decl. Exs. 42, 64

Arista Confidential Information:

1. Exhibit 13 to the Wong Declaration is a confidential, non-public Arista presentation (with speaker notes included) that discloses sensitive strategic information about Arista’s business operations, including target customers and markets, product lineups, and a breakdown of compensation structures for engineers (including benefits, and other financial data relating to compensation) that Arista maintains as confidential. Compelling reasons justify sealing Exhibit 13 in its entirety. *See Schwartz*, 2016 WL 1301186, at *2 (discussing the harm that could result by the dissemination of similar sensitive internal business information to competitors); *Delphix*, 2014 WL 4145520, at *2 (same); *Koninklijke Philips*, 2015 WL 581574, at *1-3 (same).

2. Exhibit 14 to the Wong Declaration is a confidential, non-public Arista presentation that discloses sensitive strategic information about Arista’s business operations, including target customers and markets, and financial information (including revenue and growth projections) regarding those particular customers and markets that Arista maintains as highly confidential competitive and market research information. Compelling reasons justify sealing Exhibit 13 in its entirety. *See Schwartz*, 2016 WL 1301186, at *2 (discussing the harm that could result by the dissemination of similar sensitive internal business information to competitors); *Delphix*, 2014 WL 4145520, at *2 (same); *Koninklijke Philips*, 2015 WL 581574, at *1-3 (same).

3. Exhibit 30 to the Wong Declaration consists of excerpts from the deposition transcript of Arista employee and engineer Adam Sweeney, which was designed “Highly Confidential – Attorney’s Eyes Only.” The excerpts from Mr. Sweeney’s deposition transcript on

1 discuss and disclose internal, non-public information regarding the development and development
2 process of the Arista EOS software, including details regarding how certain technologies were
3 integrated into Arista's products. There are compelling reasons to seal such sensitive confidential
4 internal information regarding "product architecture and development[.]" *See Delphix Corp.*,
5 2014 WL 4145520, at *2.

6 4. Exhibit 34 to the Wong Declaration consists of excerpts from the deposition
7 transcript of former Arista employee and engineer Lorenz Redlefsen, which was designed
8 "Highly Confidential – Attorney's Eyes Only." The excerpts from Mr. Redlefsen's deposition
9 transcript discuss and disclose internal, non-public information regarding the development and
10 development process of the Arista EOS software. There are compelling reasons to seal such
11 sensitive confidential internal information regarding "product architecture and development[.]"
12 *See Delphix Corp.*, 2014 WL 4145520, at *2. Pages 7 and 178 of Mr. Redlefsen's deposition
13 transcript also reveal his home address and the circumstances of his departure from Arista, which
14 should (and need) not be disclosed publicly.

15 5. Exhibit 36 to the Wong Declaration consists of excerpts from the deposition
16 transcript (rough version) of former Dr. John R. Black, Jr., which was designed "Highly
17 Confidential – Attorney's Eyes Only." The excerpts from Dr. Black's deposition transcript
18 discuss and disclose non-public information regarding his review of highly confidential Arista
19 and Cisco source code and discuss his analysis of their differences based on that analysis. There
20 are compelling reasons to seal such sensitive confidential internal information regarding "product
21 architecture and development," *see Delphix Corp.*, 2014 WL 4145520, at *2, as well as
22 discussions regarding highly confidential source code. *See Apple, Inc. v. Samsung Electronics*
23 *Co., Ltd.*, No. 11-cv-1846, D.I. 2190 at *3 (Dec. 10, 2012).

24 6. Exhibit 1 to the Declaration of Dr. John R. Black, Jr., which is Dr. Black's
25 Opening Report, contains Arista confidential information at Paragraphs ¶¶ 397, 519, 525, and
26 678(i). Paragraph 397 discusses and discloses internal, non-public information regarding the
27 development and development process of the Arista EOS software, including details regarding
28 how certain technologies were integrated into Arista's products. There are compelling reasons to

1 seal such sensitive confidential internal information regarding “product architecture and
 2 development[.]” *See Delphix Corp.*, 2014 WL 4145520, at *2. Paragraphs 519, 525, and 678(i)
 3 discuss and disclose non-public information regarding Dr. Black’s review of highly confidential
 4 Arista source code, and evidence relating to such source code. There are compelling reasons to
 5 seal such information about Arista’s confidential source code. *See Apple, Inc. v. Samsung*
 6 *Electronics Co., Ltd.*, No. 11-cv-1846, D.I. 2190 at *3 (Dec. 10, 2012).

7 7. Exhibit 2 to the Declaration of Dr. John R. Black, Jr., which is Dr. Black’s
 8 Rebuttal Report, contains Arista confidential information at Paragraphs ¶¶ 148, 155, 156, 160–
 9 166, and 169–171. These paragraphs discuss and disclose non-public information regarding both
 10 Dr. Black’s and Dr. Almeroth’s reviews of highly confidential Arista source code, and evidence
 11 relating to such source code. There are compelling reasons to seal such information about
 12 Arista’s confidential source code. *See Apple, Inc. v. Samsung Electronics Co., Ltd.*, No. 11-cv-
 13 1846, D.I. 2190 at *3 (Dec. 10, 2012).

14 8. Exhibit 1 to the Declaration of William M. Seifert, which is Mr. Seifert’s Expert
 15 Report, contains Arista confidential information at Paragraphs ¶¶ 90 (including footnote 78), 96
 16 (including charts on Pages 43 and 44), 97 (including footnote 88), 98 (including footnotes 89–91),
 17 99 (including footnote 92), 100(i), 100(ii) (including footnote 94), 100(iv) (including footnote
 18 95), 100(v) (including footnote 97), 101, 103 (including footnote 106), 108, and 109. These
 19 excerpts from Mr. Seifert’s report contain Arista’s highly competitive business information.
 20 They cite and discuss customer sales presentations, which contain sensitive and non-public Arista
 21 sales and marketing strategies. Others discuss the results of product testing and confidential
 22 customer feedback, including the identities of those customers. In some cases, the excerpts recite
 23 detailed information about Arista’s marketing responses to the preferences of specific segments
 24 of customers, along with sales information, all of which Arista protects as highly confidential.
 25 These excerpts also disclose sensitive market data and analysis used by Arista for competitive
 26 purposes. Compelling reasons justify sealing these portions of Mr. Seifert’s report. *See*
 27 *Schwartz*, 2016 WL 1301186, at *2 (discussing the harm that could result by the dissemination of
 28

1 similar sensitive internal business information to competitors, who would find it valuable);
2 *Delphix*, 2014 WL 4145520, at *2 (same); *Koninklijke Philips*, 2015 WL 581574, at *1-3 (same).

3 9. Exhibit 1 to the Declaration of Cate M. Elsten, which is Ms. Elsten's Expert
4 Report on Market Harm, contains Arista confidential information on Pages 9, 17, 22–23, as
5 shown in the highlighted copy of the Expert Report. Those pages of Ms. Elsten's Expert Report
6 on Market Harm contain non-public and sensitive business, product pricing, and actual and
7 prospective customer information, including information about customer requirements and
8 preferences regarding purchasing, that Arista maintains as highly confidential. Arista also
9 believes that its actual and prospective customers expect that information relating to their
10 purchasing preferences and transactions is maintained in the utmost confidence. Compelling
11 reasons justify sealing these portions of Ms. Elsten's report. *See Schwartz*, 2016 WL 1301186, at
12 *2 (discussing the harm that could result by the dissemination of similar sensitive internal
13 business information to competitors); *Delphix*, 2014 WL 4145520, at *2 (same); *Koninklijke*
14 *Philips*, 2015 WL 581574, at *1-3 (same).

15 10. Exhibit 2 to the Declaration of Cate M. Elsten, which is Ms. Elsten's Rebuttal
16 Report on damages-related issues. Ms. Elsten's Rebuttal Report contains non-public and
17 sensitive business, product pricing, and customer information, as well as sales and revenue data,
18 and information about actual and prospective customer requirements and preferences regarding
19 purchasing, all of which Arista maintains as highly confidential. Arista also believes that its
20 actual and prospective customers expect that information relating to their purchasing preferences
21 and transactions is maintained in the utmost confidence. Unlike Ms. Elsten's Report on Market
22 Harm, this report contains sensitive Arista confidential information interwoven throughout the
23 document. Compelling reasons therefore justify sealing the entirety of Ms. Elsten's report. *See*
24 *Schwartz*, 2016 WL 1301186, at *2 (discussing the harm that could result by the dissemination of
25 similar sensitive internal business information to competitors); *Delphix*, 2014 WL 4145520, at *2
26 (same); *Koninklijke Philips*, 2015 WL 581574, at *1-3 (same).

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Executed July 14, 2016, at San Francisco, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



RYAN WONG

APPENDIX A

Exhibit	Description
1.	Kirk Lougheed Deposition, taken November 20, 2015
2.	Greg Satz Deposition, taken March 23, 2016
3.	Cisco's U.S. Patent 7,953, 886
4.	Anthony J. Li Deposition, taken February 1, 2016
5.	Gavin Cato (Dell) Deposition, taken May 20, 2016
6.	HPE48996, HP Networking and Cisco CLI Reference Guide, dated March 2010.
7.	Email from Jeanne Beliveau-Dunn to Gary Moore re Network World Coverage-Cisco CCIE 20 Year Anniversary, dated August 21, 2013
8.	Email from Jim Forster to John Chapman re Is there any standardization of Cisco CLI, dated October 6, 2005
9.	Compilation of documents produced in this litigation with bates numbers ARISTANDCA00010591; ARISTANDCA00009488; CSI-ANI-00252097; CSI-CLI-00843944 (Ex. 1517); CSI-CLI-01134108 (Ex. 1518); CSI-ANI-00324177 (Ex. 1519); and the document marked as Exhibit 1520
10.	Network World Article "Grueling performance testing exposes weaknesses in Cisco, HP switches, dated January 18, 2010
11.	Dan Lang Deposition, taken May 20, 2016
12.	Article "Forget Amazon, Google, Apple, Facebook: The is the Gem Powering the Cloud", dated May 19, 2016
13.	Arista Presentation "Reinventing Data Center Switching"
14.	Arista Presentation "Capitalizing on the Cloud Opportunity"
15.	Compilation of documents produced in this litigation with bates numbers CSI-CLI-06360284; CSI-CLI-06360731; the document marked as Exhibit 1202; and deposition excerpts of Drew Pletcher and Deepak Malik
16.	Email from Pramod Srivatsa to Jiandani re Nexus 5K- Response to Network World Article & Competing with Arista, dated January 20, 2010 (Jiandani Ex. 606)
17.	Phillip Remaker Deposition taken, March 31, 2016
18.	Kirk Lougheed Deposition, taken April 4, 2016.
19.	Email from Harish Patil re CLI Change dated July 26, 2006
20.	Tong Liu Deposition, taken January 15, 2016.
21.	Compilation of deposition excerpts of Anthony Li; Kirk Lougheed (November 20, 2015 and April 4, 2016); and Greg Satz
22.	Ramanathan Kavasseri, taken February 23, 2016
23.	Article "Protecting Innovation" by Mark Chandler, dated December 5, 2014 (Lang Ex. 1012)
24.	Pradeep Kumar Kathail Deposition, taken May 27, 2016
25.	Presentation "Parser Police: Where can we go from here?", dated October 21, 2004 (Remaker Ex. 413)
26.	Email from Phillip Remaker re Parser review guideline, dated January 12, 1999 (Remaker Ex. 436)
27.	Parser-Police Manifesto, version 5
28.	Email from Jan Vilhuber re Change in default Radius behavior, dated October 22, 1997

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Exhibit	Description
29.	Devadas Patil Deposition, taken February 21, 2016
30.	Adam Sweeney Deposition, taken January 29, 2016
31.	Parser-Police Manifesto, version 6.
32.	Email from Philip Remaker to Carl Schaefer et al re Parser Review guideline, dated January 12, 1999
33.	Phillip Remaker Deposition, taken March 30, 2016
34.	Lorenz Redlefsen Deposition, taken April 15, 2016
35.	Excerpts from the Cisco IOS Command Modes Manual,
36.	John Black rough deposition, taken June 30, 2016
37.	Article “Protecting Innovation” by Mark Chandler, dated December 5, 2014
38.	Philip Kasten (Juniper) Deposition, taken February 16, 2016
39.	2002 Juniper Networks ERX Edge Routers Command Reference Guide
40.	2014 Juniper Networks JunosE Software for E Series Broadband Services Routers, Systems Basics Configuration Guide
41.	Balaji Venkatraman (HP), taken May 2, 2016
42.	Brocade FastIron Command Reference Manual, dated September 30, 2014
43.	Brocade ICX 7450 Switch FAQ
44.	Cisco Non Cisco Devices HP Procurve Dell Power Connect Presentation
45.	Manual Config Archive support for Non-Cisco devices
46.	Nexthop manual “VPLS in an Integrated Wired and Wireless Environment”, dated February 2006
47.	HP MSR2000 Series Data Sheet
48.	Deepak Malik Deposition, taken May 19, 2016
49.	Cisco Presentation on Arista (Ex. 869)
50.	Metadata for Malik Exhibit 869 (Ex. 870)
51.	John Harting Deposition, taken May 18, 2016
52.	Drew Pletcher Deposition, taken May 26, 2016
53.	Email to Cisco Employees re Config DB discussion, dated July 11, 2002
54.	Email from Alon Bernstein to William Westfield re IOS CLI vs underlying OS, dated April 15, 2008
55.	Email from Siva Valliappan re Review request: IOS-xR IP SLAs commands, dated July 8, 2005
56.	Cisco manual CLI Power Scripting – CLIPS for IOS Product Requirements Document
57.	Email from Phillip Remaker to Rick Pratt re IOS CLI vs underlying OS, dated April 15, 2008
58.	Current Analysis Report re Cisco Catalyst 6500, dated December 6, 2011
59.	Presentation “ISSG- Switching Business Review”, dated October 24, 2001
60.	Cisco presentation “Leading the Way: Cisco Open Network Environment”, dated June 20, 2012
61.	Letter from Cisco counsel to Linda Chao of Stanford re Approved Entities for Copyright Infringement Claims, dated December 18, 2002
62.	Compilation of deposition excerpts of Kevin Almeroth, Kirk Loughheed (Nov. 20, 2015 and April 4, 2016), Anthony Li, and Greg Satz

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Exhibit	Description
63.	Compilation of deposition excerpts of Ramanathan Kaasseri, Tong Liu, Kirk Lougheed (Nov. 20, 2015), Devadas Patil, Phillip Remkaker (March 31, 2016), and Greg Satz
64.	Compilation of documents produced in this litigation with bates numbers ARISTANDCA13681614; ARISTANDCA00264627; ARISTANDCA13363443; ARISTANDCA00224908 (Ex. 639); ARISTANDCA00265444 (Ex. 957); and ARISTANDCA00265424 (Ex. 958).